

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY L. BALDWIN,

Defendant.

**4:07CR3001**

**MEMORANDUM AND ORDER**

Mr. Baldwin has filed a motion under Federal Rule of Civil Procedure Rule 60(b)(6). I will deny it for a variety of reasons. Among them are the following:

1. I imposed the 300-month prison sentence called for by a Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement after I appointed stand-by counsel to advise Mr. Baldwin. The plea agreement contained a plea waiver. The Court of Appeals ruled that: “We conclude that all of the issues raised in counsel’s and Baldwin’s briefs fall within the scope of the appeal waiver contained in Baldwin’s plea agreement, that Baldwin knowingly and voluntarily entered into the plea agreement and the appeal waiver, and that enforcement of the waiver would not result in a miscarriage of justice.” Filing no. 123. I denied Baldwin’s § 2255 motion that bordered on the frivolous. Filing no. 130.

2. Mr. Baldwin has filed various other motions that were clearly frivolous. Furthermore, the Court of Appeals denied him a petition for an extraordinary writ. Filing no. 152. Additionally, the Court of Appeals has consistently denied Baldwin either a certificate of appealability or permission to file a successive petition. Even further, the Court of Appeals denied Baldwin’s petition for a writ of mandamus.

3. The pending motion is frivolous. Furthermore, the pending motion is no more than an improper attempt to avoid the previous decisions of the Court of

Appeals. Even further, Mr. Baldwin has shown no “reason that justifies relief” under Rule 60(b)(6), assuming, without deciding, that the Rule applies.

IT IS ORDERED that the motion (Filing no. 224) is denied with prejudice. No certificate of appealability has been or will be issued.

Dated this 23rd day of June, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge